

Approved For Release 2005/08/16 : CIA-RDP77M00144R000600100016-1

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

24 NOV 1975

Mr. James M. Frey  
Assistant Director for Legislative Reference  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Frey:

This is in response to your request for our views on three bills, H.R. 9920, H.R. 9942, and H.R. 9951, which would amend subsection (b)(9) of the Privacy Act of 1974 (P.L. 93-579). The purpose of all three bills is to authorize Federal agencies to provide personal information on American citizens or permanent resident aliens to Members of Congress. H.R. 9942 would further authorize dissemination of this information to "an individual Member of Congress or his designate (sic) for this purpose."

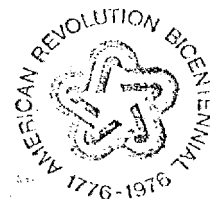
The genesis of these bills appears to be the Privacy Act's impairment of a Member's ability to receive information from a Federal agency about a constituent in a manner consistent with the ombudsman role of the Member of Congress. The Privacy Act expressly permitted the disclosure of personal information by an agency

"to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee."

However, the Act made no allowance for an individual Member's need for this information.

The Office of Management and Budget has dealt with this problem by recommending that agencies adopt the following provision as a "routine use," consistent with subsections (a)(7) and (c)(11) of the Act:

"Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."



Although we believe the adoption by each agency of the OMB suggested language would obviate the existing problem, this Agency has no objection to a statutory solution along the lines of the suggested "routine use." However, H.R. 9920, H.R. 9942, and H.R. 9951 do not contain a key concept in the OMB "routine use" language, i.e. that the inquiry to an agency from a congressional office is clearly made at the request of the individual concerned. Such a concept should be embodied in an amendment to the Privacy Act. Otherwise, Members of Congress or their personal staffs will have full authority to demand any personal information held by an Agency on any American or permanent resident alien without the knowledge of or even against the will of the individual involved.

Sincerely,

**SIGNED**

George L. Cary  
Legislative Counsel

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